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UNITED STATES DISTRICT COURT

DISTRICT OF OREGON

PORTLAND DIVISION

SARAH VITORT, a consumer residing in  
Oregon, individually and on behalf of all  
others situated,

Plaintiff,

v.

THE KROGER COMPANY, an Ohio  
corporation, FRED MEYER STORES, INC.,  
an Ohio corporation, and DOES 1 through  
100, inclusive,

Defendants.

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Case No. 3:20-cv-01317-AC

**PLAINTIFF'S UNOPPOSED MOTION  
FOR EXTENSION OF TIME TO  
RESPOND TO DEFENDANT'S MOTION  
TO DISMISS**

**CERTIFICATE OF COMPLIANCE**

Counsel for plaintiff has conferred with defense counsel regarding the subject of this  
motion, as required under Local Rule 7-1. Defendants do not oppose this motion.

## MOTION

Plaintiff Sarah Vitort respectfully moves the court for an order under Fed. R. Civ. P. 6(b) and LR 16-3 extending the deadline for responding to defendants' Motion to Dismiss until January 6<sup>th</sup>, 2021.

Plaintiff's complaint was filed on August 6, 2020. Plaintiff did not oppose Defendants' request to extend the deadline for the filing of a responsive pleading until November 6<sup>th</sup>, 2020. Defendants filed the Motion to Dismiss on November 5<sup>th</sup>, 2020.

The basis for the requested extension is that plaintiff needs additional time to investigate and prepare her response to the Motion to Dismiss, which raises complex factual and legal issues. The court issued a scheduling order taking the Motion under advisement as of February 3<sup>rd</sup>, 2021; this requested extension will not interfere with this timeframe.

This motion is made in good faith and not for purposes of delay.

RESPECTFULLY SUBMITTED this 10<sup>th</sup> day of November, 2020

By: 

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